

REMARKS

Applicant acknowledges the admission of the Amendment filed on August 11, 2003, the withdrawal of the §112, second paragraph rejection and allowance of the proposed drawing corrections.

Applicant has amended claim 1 to include the subject matter of claim 4. Claim 4 has been cancelled herewith. Additionally, the two bevels (26, 26') have been more precisely defined in amended claim 1. Support for these amendments can be found in Figs. 3 and 4 and the specification, page 6, lines 4-17.

In paragraph 5 of the Office Action the Examiner rejected claims 1 and 3-10 under 35 U.S.C. 103(a) as being unpatentable over Sonnleitner et al. (DE 19908958 A1, hereinafter "Sonnleitner") in view of Wildey (United States Pat. No. 4,064,956, hereinafter "Wildey").

Reconsideration is requested.

The disclosure in Sonnleitner, as Applicant understands it, teaches an engine half trolley without bevels, whereas bevels are claimed features in the present application. The Examiner states that Sonnleitner "shows the casing (8) in schematic representation, and as such fails to disclose the claimed casing including the bevels in the claimed location." Applicant respectfully responds that Sonnleitner does not disclose or suggest the use of bevels on the arm (15, 115) which forms a part of the casing, and more importantly, not as claimed and described in the present application. In particular, Applicant respectfully argues that Sonnleitner fails to disclose the claimed casing including the bevels in the claimed location, not because "the casing is shown in schematic," but rather because these features do not form any part of the invention disclosed in Sonnleitner.

With regard to Wildey, there is no disclosure in Wildey which teaches the use of bevels in the casing, at the

locations claimed in the present application or otherwise. The Examiner states that: "Wildey teaches a casing (38) for an engine half trolley including a bevel (at 110 see Figure 3) in the bottom area of the arm." Applicant respectfully points out that the feature labeled 110 in Wildey is stated in that disclosure to be "a circular housing 110 received in an aperture formed adjacent the end of the walking beam 38, and attached to the walking beam by a circular pattern of bolts 112" and not a bevel. Wildey, Col. 4, lines 28-30.

With more specific regard to the sloped surface labeled 110 in Figure 3, labeled as "bevel" by the Examiner, that surface appears to be only a sloped end of casing 110 and not a bevel on the bottom of casing 12 as particularly claimed in the present invention. Without any disclosure in Wildey regarding information about, and specifically the location of, this sloped surface, it cannot be surmised how far, if at all, this sloped surface extends beyond its vaguely depicted location in Figure 3. Even if one were to guess, without a specific disclosure in the reference, that the inclined surface depicted in a cut-away section in a single figure is a bevel, this vague depiction does not disclose or suggest the novel and non-obvious use of bevels in the locations as pointed out in the amended claims.

The Examiner also has labeled as "Bevel A" in Figure 3 of Wildey, what appears to the Applicant to be housing 46 of central transfer unit 40. Applicant respectfully points out that the view of housing 46 depicted in Figure 3 shows only one small, apparently sloped, apparently internal surface section of housing 46, from which it cannot be determined how the Wildey casing contour might or might not be configured at any particular location other than at that indistinct location shown. It cannot be shown from the figure that Wildey teaches or suggests bevels at the particular locations claimed in the present application or any other distinct location. In short,

there is no disclosure of a bevel at any particular location anywhere in Wildey, but rather, merely two inclined surfaces that are not described as, or claimed to be, bevels in the casing.

Neither of the two cited references, Sonnleitner (as it is understood by Applicant), nor Wildey, provides any suggestion or motivation to combine their teachings. As stated in Applicant's response to the previous Office Action, Wildey teaches a bogie drive and suspension system with a "coupling 100 compris[ing] a pair of back-to-back flange members 98 connected by a midshaft 128. The flange members have internal teeth 101 formed thereon which mesh with external teeth 103 formed on the midshaft 128" (col. 4, lines 40-44). The invention in Wildey is designed to permit "some rocking movement of the shaft 128 within the flanges 98 to accommodate misalignment of the central and wheel end transfer units due to deflection of the walking beam [38] under load" (col. 4, lines 45-49).

The present application is directed to solving a different problem found in, but not addressed by, the prior art. One of the objects of the present invention is to provide an engine half-trolley with "the number of components limited to the minimum." The benefits of the present invention, over the cited art, provides reduced initial construction costs, reduced repair costs due to inventory storage of additional components, reduced number of components which may break, and a reduced overall size of the engine half-trolley (specification page 2, line 19 to page 3, line 7). The multi-component shaft of the Wildey device does not accomplish these objects, whereas the continuous shaft of the present invention does meet these goals. A further object of the present invention is to provide means for allowing a vehicle that is used in off road applications, to safely and efficiently drive through mud and over rough terrain. The

present invention uses, *inter alia*, bevels, in the claimed locations, to provide these advantages over the prior art.

With regard to claims 5-10, these claims are directed toward an embodiment that provides further advantages over the prior art for the passage of the half truck over rough terrain and through mud, for compactness of components, and for avoiding or minimizing impact with objects. With regard to these claims, Applicant respectfully states that the Examiner has misconstrued the invention disclosed and claimed in claims 5-10. Specifically, the Examiner stated that the "angle of rotation is approximately 15° for the rotating shaft of Sonnleitner et al. as well." The Examiner also marked Figure 4 of Wildey to show an angle β , determined solely by Examiner to be equal to 15°. Applicant respectfully states that this angle referenced by the Examiner is not the angle claimed in claims 5-10 of the present invention. The angle described and shown by the Examiner in Figure 4 of Wildey is measured with respect to the ground, or a horizontal plane. The angle described and claimed for, *inter alia*, arm 115 in the present invention is measured, as previously mentioned, with regard to the direction of travel of the vehicle, or in other words, the longitudinal direction. As the present disclosure states, the trolleys of the prior art are "of a square shape and present considerable overall dimensions, which lead to difficulties of penetration of the vehicle in muddy and swampy environments." Page 2, lines 14-18. The embodiments claimed in claims 5-10 relate to the embodiment shown in Figure 4 of the present application, showing the novel arrangement of the arm 115 and shaft 20 at angle β with regard to the longitudinal direction. The specification describes this arrangement and many of the advantages thereof on page 6, line 21 thru page 9, line 20, and in Figure 4, all of which are incorporated by reference herein.

Applicant respectfully states that neither of the cited art references discloses, suggests or teaches the above-referenced and described features in claims 5-10 of the present invention, including, *inter alia*, shaft 20 and arm 115 set at angle β with respect to the longitudinal direction.

Based on all of the above remarks and arguments, it is respectfully requested that the §103(a) rejection be withdrawn.

This Amendment is being filed as a submission with a Request for Continued Examination. It is therefore requested that the Notice of Appeal, filed on August 11, 2003, be withdrawn.

Based on the above amendments and remarks, applicant respectfully submits that claims 1, 3 and 5-10 are now allowable over the prior art and that the present application is in proper form for allowance. Reconsideration of these rejections is requested in view of this amendment. An early and favorable action is earnestly solicited.

Respectfully submitted,



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